D.B.CIVIL WRIT PETITION NO. 3395/2004
Hindustan Petroleum Corp. Ltd. v. State of Rajasthan & ors.

Date of order : 07.11.2006

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Rajendra Mehta for the petitioner
Shri N.M.Lodha, Addl. Advocate General
Shri Om Mehta for respondent no.2.

This writ petition was filed challenging the vires of section 3 (x) and section 21 (1) of the Rajasthan Rent Control Act. The cause of action for challenging the vires arose when the Rent Tribunal declined leave to cross-examine witnesses of the landlord-respondent. When the case was taken up counsel for the petitioner fairly stated that challenge to vires of section 3 (x) stands covered by decision of the Supreme Court in Saraswat Cooperative Bank Ltd. & anr. v. State of Maharashtra, 2006 (2) WLC (SC) Civil 505. As regards section 21, the counsel drew our attention to the order dated 11.7.2006 whereby challenge to the vires was given up. In the circumstances counsel made limited submission that liberty may be given to the appellant to challenge the order by which permission to cross-examine was declined in the appeal against the decision of the Rent Tribunal. Prayer is not opposed on behalf of the respondents. Counsel for the respondents submitted that direction may be issued to the Appellate Tribunal to decide the appeal at an early date.

While giving liberty to the appellant to challenge the order of the Rent Tribunal declining to permit cross-examination of witnesses, we leave it open to the respondents to pray for early disposal of the appeal before the Appellate Tribunal.

The writ petition stands disposed of.

(MOHAMMAD RAFIQ), J. (S.N.JHA), C.J.

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